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Quarterly Report
Second Quarter 2003

Changes Proposed to ACFA Regulations

Dr. Jerry Eber, ACFA Program Veterinarian, is proposing changes to the rules established under the Animal Care Facilities Act (ACFA). These proposed changes have been published in the *Missouri Register* and interested parties are encouraged to express their opinions in writing.

As part of these changes, the addition of three rules have been proposed. First, it has been proposed that contested cases and other matters involving licensees and the director, or his designee, may be informally resolved by consent agreement, settlement, stipulation, consent order or default. This rule would allow our program to settle matters without the often cumbersome and expensive procedure of following through with an administrative hearing. Second, auctions under the jurisdiction of ACFA would be required to disclose the name, mailing address and the USDA/ACFA license number of all people registering at auctions to buy animals. This change is meant to aid in investigating unlicensed facilities. Third, it has been proposed that licensed animal rescues and shelters be required to annually provide a list of names, addresses and phone numbers for all active fostering sites. Under this proposed amendment, covered activity is maintained under the knowledge of the ACFA program.

In addition, it has been proposed that four rules be deleted. With the deletion of the first two rules, pounds, animal shelters and rescues will no longer be required to hold dogs or cats for an additional ten-day holding period. The initial five-day holding period remains in effect so that pet owners might have time to reclaim their dog or cat. The deletion of this rule has been proposed in order to keep from placing undue burden on animal shelters and rescues that transfer custody between licensees (i.e. shelter-to-shelter transfers). With the deletion of the second two rules, licensed facilities will no longer be allowed to keep dogs on tethers. Tethering is already prohibited for USDA licensees. This change was proposed after commercial breeders and humane groups asked that the ACFA rules be updated to reflect changes in the federal Animal Welfare Act.

Anyone may file a statement in support of or in opposition to this proposed amendment with Jerry Eber, DVM, Veterinarian II, Missouri Department of Agriculture, Division of Animal Health, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication in the *Missouri Register*. No public hearing is scheduled.

Dr. Eber Selected as Employee of the Month

Dr. Jerry Eber has been named as state employee of the month for July.

“We are thrilled to hear that Dr. Eber has been selected as state employee of the month,” said Director Lowell Mohler. “As the top award bestowed to a state employee, it’s truly an honor not only for Dr. Eber but also for the department.”

Dr. Eber was selected for his dedication to the ACFA Program. He has pushed for uniform treatment of all licensees, pursued litigation for chronic violators of the ACFA law, automated the inspection process, and met with various animal groups and critics of the program. His efforts have resulted in better living conditions and standards of care for Missouri’s dogs and cats, and improved financial inputs to the ACFA program.

Dr. Eber has worked for the department for more than 17 years and currently serves as the ACFA Program Veterinarian. He resides in Columbia.

Missouri Agencies Work Together to Address Threat of Monkeypox

Animal health officers distributed information about monkeypox to pet stores, auctions and veterinarians as part of an effort to raise awareness of the disease after a case of monkeypox was confirmed in northwest Missouri.

On June 11th, the Centers for Disease Control and Prevention and the Food and Drug Administration issued an embargo and prohibition on transportation that affected prairie dogs and six species of African rodents. The order prohibits the transport of such animals in commerce and the release of such animals into the wild. Animals are allowed to be transported to veterinarians for medical care.

For current information on the disease, please visit the Department of Health and Human Services website at www.dhss.state.mo.us or the Centers for Disease Control at www.cdc.gov/ncjdod/monkeypox/index.htm. Banned rodents found sick or dead should be reported to the local public health agency or the Missouri Department of Health and Senior Services at 1-800-392-0272.

Canine Care Workshops Draw 150 Participants

Approximately 150 dog and cat enthusiasts attended the Canine Care Workshops held during the past quarter in Kansas City and Cape Girardeau. The workshops, designed to assist pet breeders in enhancing the health and well being of their dogs, are sponsored by the Missouri Department of Agriculture, the U.S. Department of Agriculture and the University of Missouri College of Veterinary Medicine.

Topics covered during the workshops included veterinary care, internet research, transportation regulations, innovative kennel design, neonatal care and preventative medicine. Speakers included veterinarians and technicians employed by the sponsoring agencies. The workshops drew participants from Missouri, Iowa, Arkansas, Oklahoma, and Kansas.

Dr. David Hardin, who has played a vital role in the production of these workshops, is leaving the MU College of Veterinary Medicine and will be greatly missed. The college has indicated they will continue these informative sessions next year. Kirksville and Springfield are tentatively scheduled for 2004.

Frequently Asked Question:

We are always open to questions. Through the use of this column, we hope to answer some questions that are commonly asked of our staff.

What kind of waste disposal is required in licensed facilities?

Waste disposal in licensed kennels is dealt with through performance standards. These standards require that drainage systems be constructed to rapidly eliminate water and waste while minimizing vermin and pest infestation, insects, odors, and disease hazards. We suggest that kennel owners use care in planning a disposal system and always check with the local health department and county for zoning rules. If there is a potential for runoff from the property into offsite waters, owners could be affected by regulations enforced by the Environmental Protection Agency or the Department of Natural Resources.

When there are no local guidelines, we suggest that 12 medium-sized dogs equal one family unit. Plumbers can use this recommendation to construct an appropriate septic or lagoon system. This is only a recommendation, and while there is no scientific work to support this practice, we have used it before and found it to work.

Waste disposal is most commonly cited as non-compliant when waste is not removed on a frequent basis, when standing water is noted in pens, when plumbing becomes clogged, or when waste disposal causes infestation or a disease hazard. Improper waste disposal can be prevented with proper planning and consultation.

Census of ACFA Facilities

(As of June 11, 2003)

Commercial Breeders	1,328
Commercial Kennels	37
Boarding Kennels	128
Dealer/Broker	104
Pet Shops	73
Contract Kennels	17
Exhibitors	5
Hobby/Show Licensed	26
Hobby/Show Registered	254
Animal Shelters	74
Municipal Dog Pounds	215
Pet Sitters	10
Intermediate Handlers	7
Rescues	75
Total	2,353

License Required

Under the Animal Care Facilities Act, entities that enter dogs and cats into commerce on a regular basis are required to hold a professional license, consent to inspection, and comply with requirements of care outlined within the act.

Operation of an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility or activity as a commercial breeder or dealer without a valid license shall constitute a class A misdemeanor.

Cameron Lab Shut Down

State budget cuts forced the Missouri Department of Agriculture to close its animal health laboratory in Cameron on June 15th. Patrons should expect some delays in receiving test results as additional burden is placed upon the remaining two state laboratories.

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Equine Investigations Academy

Sabetha Purtle, animal health officer, attended the Code 3 Associate's Equine Investigations Academy Level II in May.

Topics offered through the class included anatomy, first aid, veterinary care, media relations, horse hoarders, ageing, photography, equine sports abuses, vital signs, trailer extrications, disaster preparedness, equine rescue groups, and auctions.

The academy was attended by animal care professionals from across the country and is accredited by the University of Missouri's Law Enforcement Training Institute. Department of Agriculture personnel come into contact with thousands of horses each year through horse sales and exhibitions.

The ACFA program fosters employee development by requiring that officers attend training sessions as money and time allow.

Compliance Activity

A commercial breeder in Callaway County agreed to pay a \$100 fine, pay per capita fees, and meet exempt status after ACFA officials documented repeated violations of the ACFA law.

A commercial breeder in Newton County was fined \$100.00 after documented violations were continually not corrected. Further action may result if the documented items are not corrected during the next inspection.

A contract kennel in Carroll County is being monitored after an unsatisfactory inspection included repeat violations.

ACFA officials will be testifying in the case of a former breeder that had operated without a license. This case has been ongoing for several years. Lincoln County is following up on this case after an administrative hearing found the defendant guilty of operating without a valid ACFA license.

Corrective Action for Violations Since 2001

We continue to receive inquiries from the general public about the enforcement activities of the ACFA program since the state auditor's performance audit released in February 2001. It is our belief that the issues brought up in the audit have been corrected as directed. As time goes on, we continue to make further improvements. Please feel free to monitor our progress through our website at www.mda.state.mo.us.

As part of that audit, the ACFA program was criticized for lack of enforcement penalties. The following report lists corrective actions that were taken by the program since the audit was released:

- 1. Monetary Fines:** Six facilities have been fined for a total of \$2500.00. Fines are imposed for repeat violations and through the process of administrative hearings.
- 2. Revoked Licenses:** Twelve facilities have had their licenses revoked. Facilities that continue to operate without a valid license are subject to further prosecution.
- 3. Animals Impounded:** Nine facilities have had their animals removed under warrant. This type of action is taken when standards of care violate Missouri's abuse and neglect statutes; such action is facilitated by local law enforcement.
- 4. Out-of-Business:** At least twelve facilities have agreed to meet exempt status rather than meet minimum standards outlined in the ACFA regulations.